

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert E. Corbin

January 15, 1987

The Honorable John Hays
Arizona State Senator
State Capitol - House Wing
Phoenix, Arizona 85007

Re: I87-012 (R86-149)

Dear Senator Hays:

You have inquired whether the Arizona Cotton Research and Protection Council ("Council") has statutory authority to ask all Arizona cotton producers whether they favor repeal of the refund provision of A.R.S. § 3-1089.

A.R.S. § 3-1086 provides for an assessment, payable by cotton producers, on each bale of cotton produced in this State. A.R.S. § 3-1087 provides that these funds are placed in the Cotton Research and Protection Council's accounts and used for programs administered by the Council. A.R.S. § 3-1089, the subject of your inquiry, provides that any producer may obtain a refund of the cotton bale assessment.

The purpose of the Act creating the Council is:

to generate monies to support and further cotton research activities, to provide monies, on a revolving basis, in furtherance of the abatement procedures provided for under sections 3-204 and 3-205, Arizona Revised Statutes, and to support any cotton pest eradication programs or activities.

Laws 1984 (2nd Reg. Sess.) Ch. 249, § 1.

The Council may authorize any program "that the Council deems to be appropriate for furthering the purposes of this article (Title 3, Chapter 10, Article 1, 'Cotton Research and

The Honorable John Hays
January 15, 1987
187-012
Page 2

Protection')." A.R.S. § 3-1083(B)(4). If the Council deems that the above-noted purposes would be furthered by conducting a poll of Arizona cotton producers, concerning the refund mechanism, it is authorized to do so under A.R.S. § 3-1083(B)(4).

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Corbin".

BOB CORBIN
Attorney General

BC:ERE:bl